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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,714

10/17/2003

Kyle Brown

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EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,714

Applicant(s)

BROWN, KYLE

Examiner

Mila Airapetian

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourad et al. (hereinafter Mourad) (US 2005/0010494) in view of Duquette (US 2005/0228735).

Claim 1.

Mourad teaches a method for internet e-commerce shopping guide comprising:

identifying said one or more commodities using one or more searchable identification parameters [0007], [0050];

monitoring one or more publicly-searchable, network-accessible databases for acquisition parameters for said one or more commodities using said one or more searchable identification parameters [0050]; and

outputting results of said monitoring step [0050].

However Mourad does not teach defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored.

Duquette teaches a method for analyzing security trade transactions wherein trading prices (acquisition parameters) are monitored for defined/fixed time intervals (hourly or daily) [0008].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad to include defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored, as disclosed in Duquette, because it would advantageously allow a user to employ a statistical analysis (technical analysis) of prices performed over a defined interval of time.

Claim 2. Mourad teaches said method, wherein said one or more publicly-searchable databases includes shop-bot sites [0050].

Claim 3. Mourad teaches all the limitations of claim 3 except defining an overall duration for conducting said monitoring step; and defining a refresh interval for said monitoring step.

Duquette teaches a method for analyzing security trade transactions including defining an overall duration for conducting said monitoring step; and defining a refresh interval for said monitoring step [0008].

The motivation to combine Mourad and Duquette would be to allow a user to employ a statistical analysis (technical analysis) of prices performed over a defined interval of time.

Claim 4. Mourad teaches said method further comprising the step of: identifying one or more alarm conditions; and wherein said monitoring step further comprises at least the step of identifying the occurrence of one or more of said alarm conditions [0050].

Claim 5. Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an email to a user of said method upon the occurrence of one or more of said alarm conditions [0050].

Claim 6. Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an electronic page to a user of said method upon the occurrence of one or more of said alarm conditions [0064], [0078].

Claim 8. Mourad teaches said method wherein one of said one or more alarm conditions comprises an acquisition parameter reaching a predefined minimum value [0050].

Claim 9. Mourad teaches said method wherein said acquisition parameter comprises a sale price [0042].

System claims 10-18 repeat the subject matter of method claims 1-9 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-9 have been shown to be fully disclosed by the teachings of Mourad, Duquette and Elston in the above rejections of claims 1-9, it is readily apparent that the system disclosed by Mourad, Duquette and Elston includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-9, and incorporated herein.

Claims 19-27 are rejected on the same rationale as set forth above in Claims 1-9.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mourad and Duquette teachings, as applied to claim 1, and further in view of Elston et al. (hereinafter Elston) (US 2002/0143655).

The combination of Mourad and Duquette teaches all the limitations of claim 7 except sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions.

Elston teaches a remote ordering system for mobile commerce wherein the notification can be sent by an instant message [0674].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad and Duquette to include sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions, as disclosed in Elston, because it would advantageously allow to avoid any delays in delivering time sensitive information.

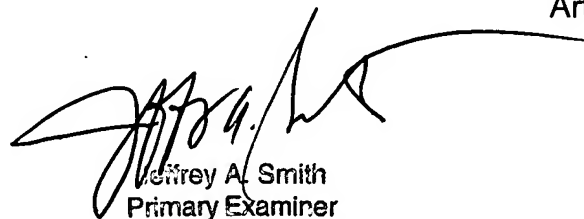
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mila Airapetian
Patent Examiner
Art Unit 3625



Jeffrey A. Smith
Primary Examiner